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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoshiyuki Nagai et al.

Art Unit: 1633

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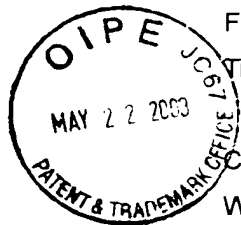
Examiner: Carrie Stroup

Filed: 08/11/98

Title: RECOMBINANT SENDAI VIRUS VECTOR EXPRESSING CHEMOKINE

Commissioner of Patents and Trademarks

Washington, D.C. 20231



DECLARATION UNDER 37 C.F.R. § 1.132

I, Yoshiyuki Nagai, declare that:

1. I am a co-inventor of the subject matter described and claimed in the present application;
2. I am a co-author of the subject matter disclosed in Shioda et al., "Large quantity production with extreme convenience of human SDF-1 α by a Sendai virus vector," AIDS Res Newsl (1997) vol. 11th, pp.167 ("the AIDS Res Newsl paper"). The AIDS Res Newsl paper also names as co-authors, Tatsuo Shioda, Chikaya Moriya, Toshiyuki Hori, Kei Tashiro, Takashi Nagasawa, Masaya Ikegawa, Yukano Ohnishi, Atsushi Kato, Huiling Hu, Xiaomi Xin, Mohammad K. Hasan, Yuko Sakai, Tasuku Honjo, Kouji Matsushima, and Takashi Uchiyama.
3. So far as I am aware the issue of AIDS Res Newsl containing the AIDS Res Newsl paper was not mailed to the public as early as August 11, 1997, i.e., more than one year before the filing date of the present application.
4. Tatsuo Shioda, Chikaya Moriya, and I are inventors of the subject matter claimed in this application, and together, we are responsible for the inventive input of the subject matter disclosed in the AIDS Res Newsl paper.
5. At the time of the invention, I worked as the director in the Department of Viral Infection, Institute of Medical Science, University of Tokyo, Tokyo, Japan.
6. At the time of the invention, Toshiyuki Hori worked as Research Associate in the laboratory of AIDS Immunology, the Research Center for Immunodeficiency Virus, Institute for Virus Research, Kyoto University, Kyoto, Japan. Toshiyuki Hori provided us the antibody against CXCR-4 that is SDF-1 receptor.
7. At the time of the invention, Kei Tashiro worked as the associate professor in the Center for Molecular Biology and Genetics, Kyoto University, Kyoto, Japan.

*considered
7/14/98*

Kei Tashiro provided us the SDF-1 antibody.

8. At the time of the invention, Takashi Nagasawa worked as the chief investigator in the Department of Immunology, Research Institute, Osaka Medical Center for Maternal and Child Health, Osaka, Japan. Takashi Nagasawa provided us mouse SDF-1 DNA.

9. At the time of the invention, Masaya Ikegawa worked as a research associate in the Department of Social Medicine, Kyoto University, Kyoto, Japan. Masaya Ikegawa provided us SDF-1 antibody.

10. At the time of the invention, Yukano Ohnishi worked as a post doctoral fellow in the Department of Viral Infection, Institute of Medical Science, University of Tokyo, Tokyo, Japan. Yukano Ohnishi carried out the purification of SDF-1 under my direction and supervision.

11. At the time of the invention, Atsushi Kato worked as a research associate in the Department of Viral Infection, Institute of Medical Science, University of Tokyo, Tokyo, Japan. Atsushi Kato carried out the establishment of Sendai virus rescue system from cDNA under my direction and supervision.

12. At the time of the invention, Huiling Hu worked as a graduate student in the Department of Viral Infection, Institute of Medical Science, University of Tokyo, Tokyo, Japan. Huiling Hu carried out the Ca^{2+} influx assay under my direction and supervision.

13. At the time of the invention, Xiaomi Xin worked as a graduate student in the Department of Viral Infection, Institute of Medical Science, University of Tokyo, Tokyo, Japan. Xiaomi Xin carried out the isolation of HIV-1 from patients under my direction and supervision.

14. At the time of the invention, Mohammad K. Hasan worked as a graduate student in the Department of Viral Infection, Institute of Medical Science, University of Tokyo, Tokyo, Japan. Mohammad K. Hasan carried out the construction of the background plasmid of Sendai virus cDNA to which SDF-1 cDNAs were to be inserted under my direction and supervision.

15. At the time of the invention, Yuko Sakai worked as a technical assistant in the Department of Viral Infection, Institute of Medical Science, University of Tokyo, Tokyo, Japan. Yuko Sakai carried out the establishment of Sendai virus rescue system from cDNA under my direction and supervision.

16. At the time of the invention, Tasuku Honjo worked as the director in the Department of Medical Chemistry, Kyoto University, Kyoto, Japan. Tasuku Honjo provided us SDF-1 antibody.

17. At the time of the invention, Kouji Matsushima worked as Professor

in the Department of Molecular Preventive Medicine, School of Medicine, University of Tokyo, Tokyo, Japan. Kouji Matsushima provided us the CXCR-4 gene.

18. At the time of the invention, Takashi Uchiyama worked as Professor in the laboratory of AIDS Immunology, the Research Center for Immunodeficiency Virus, Institute for Virus Research, Kyoto University, Kyoto, Japan. Takashi Uchiyama provided us the antibody against CXCR-4 that is SDF-1 receptor.

19. I further declare that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

May 13, 2003
Date

Yoshiyuki Nagai
Yoshiyuki Nagai